

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

SHIRLEY Z. LEE,

Plaintiff,

v.

COMPASS BANCSHARES, INC.,

Defendant.

§
§
§
§
§
§
§
§
§

**CIVIL ACTION NO.
1:05-CV-717-A**

MOTION TO SUBSTITUTE DEFENDANT

Defendant Compass Bancshares, Inc. moves this Court to enter an Order replacing Defendant Compass Bancshares, Inc. with Compass Bank as the new defendant and reflect such change in the style of the case. In support of this motion, the parties state as follows:

1. On August 2, 2005, Plaintiff filed her complaint alleging claims under Title VII and 42 U.S.C. § 1981 arising out of her former employment and naming Compass Bancshares, Inc. as the defendant.

2. Compass Bancshares, Inc. is a bank holding company and was not Plaintiff's employer. Rather, Compass Bank was her employer and is the real party in interest. See Exhibit A attached hereto.

3. The proper defendant in this case is Compass Bank.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully request that this Court enter an Order replacing Compass Bancshares, Inc. with Compass Bank as the proper defendant and reflect such change in the style of this case.

/s/ Douglas B. Kauffman
Attorney for Defendant

OF COUNSEL:

Douglas B. Kauffman (KAU005)
Brentley T. Cobb (COB020)
BALCH & BINGHAM LLP
Post Office Box 306
Birmingham, AL 35201-0306
Telephone: (205) 251-8100
Facsimile: (205) 226-8798

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and service will be perfected upon counsel of records on this 14th day of November, 2005:

Malcolm R. Newman
P. O. Box 6137
Dothan, Alabama 36302

/s/ Douglas B. Kauffman
Of Counsel

Declaration of Kelli Martin Stein

1. My name is Kelli Martin Stein. I am over twenty-one years of age. I make this declaration based on my personal knowledge.

2. Presently, I am a Senior Regional Human Resources Manager for Compass Bank. Shirley Lee was formerly employed by Compass Bank. Ms. Lee has never been employed by Compass Bancshares, Inc., which is a financial holding company.

I declare under the penalty of perjury laws of the United States of America that the foregoing is true and correct.

Date:

10/17/05
Kelli Martin Stein
Kelli Martin Stein

